

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11092

PERMIT 7333

LICENSE 4449

ORDER CORRECTING PURPOSE OF USE

WHEREAS:

1. License 4449 was issued to Edson I. Foulke, Jr. and was filed with the County Recorder of Siskiyou County on January 18, 1957.
2. License 4449 was subsequently assigned to George W. Emde.
3. Reports of Licensee show that water from the reservoir has been used for irrigation stockwatering and recreational uses. The license currently authorizes only irrigation. The other uses should be added.
4. The State Water Resources Control Board has determined that said correction in the description of the purpose of use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

The purpose of use under License 4449 be described as follows:

irrigation, stockwatering and recreational purposes.

Dated: MAY 10 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 11092

PERMIT 7333

LICENSE 4449

THIS IS TO CERTIFY, That **Edson L. Foulke, Jr.** Notice of Assignment (Over)
Box 65, Gazelle, California

has made proof as of **September 15, 1954**
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
(1) Willow Creek and (2) Kiernan Slough, in Siskiyou County

tributary to **Shasta River**

for the purpose of **irrigation use**

under Permit **7333**

of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from **June 29, 1945**; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **three hundred eight (308) acre-feet per annum** to be collected from about **November 1** of each year to about **May 1** of the succeeding year.

The maximum rate of diversion to offstream storage shall not exceed **twenty-five (25) cubic feet per second**.

The points of diversion of such water are located (1) north thirty-two degrees west (N 32°W) one thousand one hundred (1,100) feet from SE corner of Section 34, T 43 N, R 6 W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34, and (2) south twenty-three degrees east (S 23°E) one thousand fifty (1,050) feet from W $\frac{1}{2}$ corner of Section 35, T 43 N, R 6 W, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 35.

A description of the lands or the place where such water is put to beneficial use is as follows:

134.2 acres within Section 24, T 43 N, R 6 W, MDB&M.
131.0 acres within Section 25, T 43 N, R 6 W, MDB&M.
126.2 acres within Section 26, T 43 N, R 6 W, MDB&M.
55.4 acres within Section 35, T 43 N, R 6 W, MDB&M.
8.7 acres within Section 36, T 43 N, R 6 W, MDB&M.
455.5 acres total as shown on map on file with State Water Rights Board.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

COVERED BY LICENSE ORDER NO. 5

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

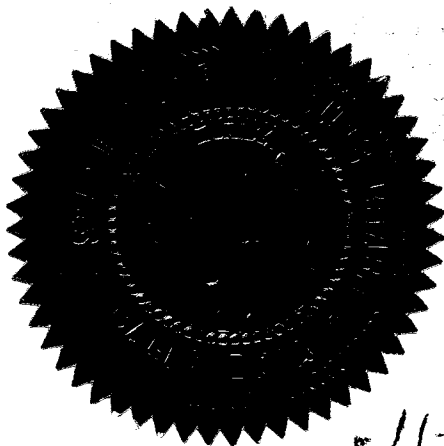
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JAN 15 1957

STATE WATER RIGHTS BOARD



By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer

10-13-60 RECEIVED NOTICE OF ASSIGNMENT TO Partial Esther D. Foulke

11-14-72 RECEIVED NOTICE OF ASSIGNMENT TO Frank M. M. M.

9-1-81 Asgd to George W. Emide

LICENSE 4449

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Edson L. Foulke, Jr.

DATED JAN 15 1957

40140 7-56 4M ① SPO

Notice of asgd: 10-1-87

app. # 11092

lic. # 4449

Robert Nielsen

P.O. Box 49

Lazelle, Ca. 96034

Notice of asgd: 10-1-87

app# 20509

lic# 9467

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The William Lyon Company